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February 20, 2025

VIA ECF

The Honorable Margaret M. Garnett
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *AS Beauty Group LLC v. Guangzhou Aolimei Cosmetics Co., Ltd.*,
No. 1:24-cv-08461-MMG

Dear Judge Garnett:

We represent Plaintiff AS Beauty Group LLC (“AS Beauty”) in the above-referenced action, and we write in response to the Court’s February 19, 2025, order (Dkt. No. 14) (the “Order”), in which it adjourned the initial pretrial conference, and set a briefing schedule for a motion for default judgment.

By way of clarification, AS Beauty has not yet completed service of the complaint upon Defendant Guangzhou Aolimei Cosmetics Co., Ltd. (“Defendant”). Rather, working with a vendor specializing in international service of process, AS Beauty has initiated a request for service of process upon Defendant in China pursuant to the Hague Convention. The document filed at Dkt. No. 13 consists of that request for service abroad pursuant to the Hague Convention, along with the translated copies of the required forms and pleadings. This document was filed to inform the Court that service under the Hague Convention has been initiated. We should have selected a different “event” title rather than “Summons Returned Executed,” when filing this document and apologize for that error.

Recent case law in this District clarifies that, under the circumstances here, this complaint must be served under the Hague Convention. *See, e.g., Smart Study Co. v. Acuteye-US*, 620 F. Supp. 3d 1382 (S.D.N.Y. 2022). After filing the complaint on November 11, 2024, AS Beauty searched for but was unable to locate an address for Defendant within New York at which to effect service. But it did locate an address for Defendant in China. In the interest of efficiency, AS Beauty first contacted the attorneys listed as Defendant’s counsel of record at the U.S. Patent and Trademark Office and requested that they waive service of process, but AS Beauty received no response. This left the Hague Convention as the only appropriate method of service. *See Smart Study*, 620 F. Supp. 3d at 1398-99. AS Beauty initiated the process to effectuate service through the Hague Convention on January 28, 2025, by submitting a request for service abroad to the Ministry of Justice of China (the “Request”). AS Beauty filed the Request in this action on February 4, 2025.



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AS Beauty's Request pursuant to the Hague Convention is still pending. Our vendor currently estimates that it will take between four-six months to complete service via the Hague Convention.

In light of the above, AS Beauty submits that it is premature for AS Beauty to move for a default judgment as ordered by the Court. AS Beauty therefore respectfully requests that the Court stay this action pending completion of service under the Hague Convention. See *Starostenko v. UBS AG (A Swiss Bank)*, No. 19 Civ. 9993 (KPF), Dkt. No. 75 (S.D.N.Y. Feb. 8, 2021) (staying action pending completion of service under the Hague Convention); *Scheck v. Republic of Argentina*, No. 10 Civ. 5167(TPG), 2011 WL 2118795, *1 (S.D.N.Y. May 23, 2011) (recounting that the Court previously placed the Plaintiff's summary judgment motion in abeyance pending effective service of process pursuant to the Hague Convention). AS Beauty will promptly notify the Court once service to Defendant has been completed.

Respectfully Submitted,

DORSEY & WHITNEY LLP

/s/ Bruce R. Ewing

Bruce R. Ewing
Partner

Application GRANTED. The dates and deadlines set by the Court's February 19 Order (Dkt. No. 14) are hereby ADJOURNED *sine die*. All proceedings in this action shall be STAYED pending service of Defendant under the Hague Convention. It is further ORDERED that Plaintiff shall file a letter, no later than **May 21, 2025**, and every 90 days thereafter, regarding the status of service of Defendant. The Clerk of Court is respectfully directed to terminate Dkt. No. 15.

SO ORDERED. Date: 2/21/2025.

HON. MARGARET M. GARNETT
UNITED STATES DISTRICT JUDGE